

## **Partyism or Independence? The Ideal and Dilemma of Judicial Reform in the Nationalist Government**

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### **Abstract**

Against the background of modern state-building, and with the changes in historical context, the relationship between judicial partyism and judicial independence which was handled by the central judiciary of the Nationalist government complied with the requirements of an era of judicial politicization, reflecting the changes in the ideal of judicial reform in the Nationalist government. The judicial revolution advocated by Hsu Chien (George Hsu) replaced judicial independence with judicial partyism, undermining the former. The judicial reform advocated by Wang Ch'ung-hui and Chü Cheng tried to change the relationship between judicial partyism and judicial independence from conflicting to coordinated relations. During the Chü Cheng judicial period, despite the fact that the variations in judicial partyism in practice had some negative effects on the specialization and professionalization of the judiciary, judicial independence was always the goal that the judicial reform attempted to achieve. In practice, the judicial reform of the Nanjing Nationalist government faced a dilemma that was difficult to overcome, because the tensions between judicial independence and party governance could not be easily resolved. The dilemma of the judicial reform of the Nationalist government is a microcosm of the relationship between the judiciary and

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politics in the process of social transformation and modern state-building of China.

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